

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE (Nashville)**

In the Matter of:)	
)	Case No. 3:20-bk-01115-RSM
THOMAS WILLIAM PRIGNANO)	
TOMME NOELLE PRIGNANO)	Chapter 13
)	
Debtor.)	
)	
VW CREDIT, INC)	
)	
Creditor)	
)	
VS)	
)	
THOMAS WILLIAM PRIGNANO)	
TOMME NOELLE PRIGNANO)	
Respondent.)	

MOTION FOR RELIEF FROM AUTOMATIC STAY OF SECTION 362 (a)

COMES NOW, VW Credit, Inc. (hereinafter referred to as "VW Credit"), and requests this Honorable Court for an order terminating the automatic stay imposed by 11 U.S.C. 362(a), in order that it may foreclose, repossess or otherwise liquidate its collateral. As grounds for this motion, VW Credit respectfully represents unto the Court as follows:

1. The Debtors in the above styled cause, Marlon R. Porter (hereinafter "the Debtor"), filed a petition in the United States Bankruptcy Court for the Middle District of Tennessee, the same being Case No.3:20-bk-01115-RSM-13.

2. On April 28,2018, the Debtor executed a Retail Installment Sales Contract purchasing **one (1) 2013 Volkswagen Jetta Sedan, VIN: 3VWBP7AJ4DM256291**. A copy of the Retail Installment Sales Contract and Certificate of Title is attached hereto collectively as Exhibit "A" and incorporated herein by reference.

3. That according to the confirmed Chapter 13 plan, the debt was placed into the plan and payments are to be paid to VW Credit through the Chapter 13 Trustee.

4. That VW Credit avers that the Debtors has failed and refused to make payments to the Chapter 13 Trustee as set out in the confirmed plan and they are now in default.

5. VW Credit under the terms of its agreements, it retains an interest in the collateral that is superior to the interest of the Trustee. VW Credit further avers that there is no value in the collateral herein beyond the indebtedness owed to VW Credit and that there is no equity in the said collateral for the estate.

6. VW Credit also claims fees and costs for the filing of this motion.

7. VW Credit request that the stay provided in Federal Rules of Bankruptcy 4001(a)(3) shall not apply to the order entered pursuant to this motion.

WHEREFORE, PREMISES CONSIDERED, VW Credit request this Honorable Court for an Order granting its above and foregoing motion, and for waiver of the fourteen (14) day stay imposed by Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure and for such further and other relief as this Court deems proper.

/s/ Paul J. Spina, III

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing motion upon the following via ECF e-mail on this the 16th day of **November, 2020**.

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/s/ Paul J. Spina, III
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing motion upon the following by placing the same in the U.S. Mail, postage pre-paid, mail on this the 16th day of **November, 2020**.

Thomas William Prignano
Tomme Noelle Prignano
238 Parker Street
Manchester CT 06040

/s/ Paul J. Spina, III
OF COUNSEL